

Interest Authorizations Manual

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Interest Authorizations

Authorizations accomplish two things:

- To provide proof that the right person is authorizing the application
- To ensure that the right application is being authorized

There are three components to the Interest Authorization:

- The Authorization.
- The Affidavit of Execution (If witness is not a Saskatchewan Lawyer).
- The Affidavit Verifying Corporate Signing Authority (if corporation executing with no corporate seal).

The Authorization has these very important components:

- The name of the interest holder
- Indication if it is an Assignment, Amendment or Discharge of Interest
- The interest register number, interest number or interest share number, as the case may be, being dealt with
- If Authorization is for an Assignment the name of the assignee(s) (who interest is being assigned to)
- The Date the Authorization is executed
- The signature of the interest holder(s) or person authorized to sign on behalf of interest holder
 - Where a person other than the registered interest holder authorizes an application, the authorization must include evidence, to prove that person's legal authority to authorize the application.

Witnesses

One Witness: Two Parties

One witness to two signatures need not sign opposite both signatures which are being attested.

Two signing dates do not need to be completed in the execution clause if both parties executed on the same date.

Ineligible Witnesses

There are certain rules that qualify or disqualify a person as a witness.

- A witness must be eighteen years old.
- A witness cannot be any person who is a party to the transaction (See *Hebb v. Registrar of Titles*, [1983] 3 W.W.R. 48 (N.W.T.S.C.)) A relative, including a spouse, is not disqualified from being a witness provided he or she is not a party to the transaction.
- A Corporate signing officer cannot commission their own Affidavit.
- A witness that is a Lawyer, Commissioner of Oaths or Notary Public cannot sign the Affidavit in both their capacity as witness and oath taker.

Signatures

When an individual signs a document for submission to the Registrar, the signature may be the usual signature of that person. A person may sign by using initials, if that is their customary method of signing.

For example: If a person holds an interest as Linda Lynn Jones, when she signs the interest authorization there is no requirement for her to sign including her middle name, if that is not how she customarily signs.

A hand printed signature is also permitted. Although a signature is usually in cursive handwriting (where the letters are connected together) a printed signature is acceptable.

For example:

The interest holder on the authorization is Jennifer Marie Silver.

She signs the authorization by printing Jen Silver.

This is acceptable regardless of whether it is witnessed by a Lawyer in and for the Province of Saskatchewan.

It sometimes happens that a person's signature may vary within the same packet or a document is drawn showing the name of the person signing but the actual signature is different than the name set out. In considering whether to reject the document the examiner is guided by these considerations:

1. if the signature is illegible but might conceivably be that of the required party, the document should be accepted, in reliance on the witness' statement in the Affidavit of Execution, as long as, the affidavit refers to the name of the person signing and is otherwise properly completed;
2. if the signature is legible and is evidently that of someone other than the named party, the document should, of course, be rejected.

Corporation Executing by Officer(s) with Seal Affixed

The Authorization

The following is required:

1. **Completed Interest Authorization**
 - A. [Interest Holder - Corporation Name](#)
 - B. [Indication whether the authorization is an Assignment, Amendment, Full or Partial Discharge](#)
 - C. [What is being Assigned, Amended or Discharged](#)
 - D. [Execution Date](#)
 - E. **Corporate Officer Signature**
 - F. [Corporate Officer Name and Position](#) (recommended but not essential)
 - G. [Corporate Seal](#)
2. **No witness is required**
3. **No Affidavit of Execution is required**
4. **No Affidavit Verifying Corporate Signing Authority is required**

When a corporation affixes a seal to a document, it is called signing under seal. When a corporation signs under a seal, a witness is unnecessary.

- If a witness is included, the packet will not be rejected.
- If the checkbox for 'Witness is a Lawyer in and for the province of Saskatchewan' is checked, and/or the Lawyer Name printed in, these will be ignored, and the packet will not be rejected.

If a Corporation executes the interest authorization and affixes a Corporate Seal there is no need for an Affidavit of Execution or Affidavit Verifying Corporate Signing Authority. If these are completed, they will be ignored and the packet will not be rejected.

An Interest Authorization for a Corporation can be set up in different ways. For example:

- I, Joe Blow, President of Red River Land Corp. authorize the full discharge of Interest Register Number...**Or**
- Red River Land Corp. authorizes by the signature of its proper signing officer the Amendment of Interest Register Number...

Interest Holder - Corporation Name

The name of the Corporation that is the holder of the interest should be given exactly as it appears on the title. You can check a Title Print to be certain of how the name appears in the Land Registry.

However, there are certain differences or discrepancies in how the Corporation Name appears on the Title Print and the Interest Authorization that will be acceptable and will not result in the rejection of the application. Additional authorization evidence is **not** required for the following differences:

- The presence or absence of punctuation.
- The use of '&' instead of 'and', and vice versa.
- Upper or lowercase discrepancies.
- Discrepancies between the forms of the indication of the corporate status:
 - Limited, Ltd., Limitee, Ltee.
 - Incorporated, Inc., Incorporée,
 - Corporation, or Corp.
- Spaces between words.
- Absence or presence of 'The' at the beginning of the corporation name.

Additional documentation (evidence) **is** required with the authorization for any discrepancies that do not fall into one of the examples above. For example:

- Difference in the name itself
 - Scuttle Oil Corp. versus Scuttle Gas & Oil Corp.
 - Boston Pizza Ltd. versus Boston Pizza Moose Jaw Ltd.
 - Acme Moving (1979) Ltd. versus Acme Moving (2000) Ltd.
- Different placement of the "&" or "and"
 - Homeland Foreign & Security Corp. versus Homeland & Foreign Security Corp.
- Discrepancies in spelling of the corporate name including the presence or absence of the letter "s"
 - McEwen Farm Ltd. versus McEwens Farm Ltd.
 - Mitchell Machine Inc. versus Mitchel Machine Inc.
- The presence or absence of "Ltd.", "Corp", "Inc. or the long form of those words
 - Fancy Gifts Limited versus Fancy Gifts
- Discrepancies between Ltd. and Inc.; Ltd. and Corp.; Inc. and Corp
 - Ace Moving Ltd. versus Ace Moving Inc.

The additional documentation as evidence with the authorization that will be accepted in the above situations are:

- Corporation Branch documents such as Certificate of Amalgamation or Certificate of Amendment for a Corporate Name Change (Agreements, letters, memos, Notices to the Industry that refer to the above are not acceptable)
- Legislative citations or excerpts from Acts explaining the transition from one name to another.
 - For example: Titles held in the name of The Saskatchewan Land Bank Commission, the authorization will refer to Section 7 of The Land Bank Repeal & Temporary Provisions Act as evidence for Sask Agriculture Food Rural Revitalization executing the authorization

Indication whether the authorization is an Assignment, Amendment, Full or Partial Discharge

The Interest Authorization must indicate what type of interest transaction is being authorized.

If ISC's sample authorization form is used check one of the following:

- Assignment
- Amendment
- Full Discharge
- Partial Discharge

If it is a custom authorization it must indicate which type of interest transaction is being authorized, and need not include check boxes.

If the Authorization is for an **Assignment** of Interest the authorization must include the name of the **Assignee**, name of the new Interest Holder(s) exactly as it appears on the Application for Interest Assignment.

Assignee

The Assignee identifies who the new interest holder will be. This is who the interest is being assigned to. Only the holder information changes, the original interest information such as type, value, and attachments will not change. The assignee could be an individual or a body corporate or multiple of each either as joint tenants or tenants in common. The Authorization does not need to indicate the type of ownership since this is done in the application. If it is indicated in the authorization this is not cause for rejection unless it conflicts with what is in the application.

A body corporate does not need to hold an interest under their Cobra linked client number nor do they need to have a COBRA linked client number.

For an individual interest holder Given Name (First Name), Middle Name, if any and Family Name (Last Name) should be provided.

**NOTE**

S. 10 of *The Land Titles Regulations, 2001* provides that if an applicant is an individual the name on the application should include their given name, middle name, if any, and family name. Given name is their first name as it appears on their birth certificate unless legally changed. If a person has a middle name it is to be used as well as their last name. An individual should not use shortened versions (Alex for Alexander) or an alias (Tracy Kimberley Smith goes by Kim Smith) for Land Registry purposes.

We do not enforce individual's names by requiring that they provide a copy of their birth certificate. It is not a reason to reject if a middle name is not given, when it is known that the person has one.

Where an individual has a last name, first name or middle name that consists solely of an initial, a certificate from the Director of Vital Statistics or from an equivalent official in another jurisdiction must be submitted with the Authorization as proof that the initial is the proper name.

What is being Assigned, Amended or Discharged

Interest Register Number – The nine-digit number assigned to a registered interest. An interest may be registered on several titles and this number will be the same for all those titles.

Interest Number – Identifies an Interest within an Interest Register that relates to a specific title.

Share Number – Identifies a portion of an interest held by one interest holder, where more than one person or corporate entity has a share in the interest.

Assignment

Currently Interest Assignment by full Interest Register Number is not available.

The authorization should contain the Interest Register Number and all the Interest Numbers/ Interest Shares being assigned.

If the Assignment Authorization contains solely the Interest Register Number or Interest Numbers or Share Numbers, as long as it authorizes what the application is requesting it will be acceptable.

For example, if the application is to assign specific shares in an interest, the application must provide the Interest Register Number, Interest Numbers and Share Numbers. It is acceptable for the authorization to only refer to the Interest Share Numbers.

Amendment

The Amendment of an Interest must occur at the Interest Register level. An interest cannot be amended for one interest number. For example, if a mortgage is registered against three titles it will have one Interest Register number and 3 Interest Numbers, one for each title it is registered against. The mortgage cannot be amended against just one title.

The Authorization must contain the Interest Register Number or list all the Interest Numbers for that Interest Register Number. It is also acceptable if it contains the Interest Register Number and the Interest Numbers.

Discharge

If the Authorization is not one of the ISC provided samples, it may not indicate full or partial; it may just state the interest holder authorizes the discharge of This is also acceptable because the application will indicate whether it is a full or partial discharge.

Full Discharge

It is preferable that the Authorization indicate the Interest Register Number.

If the Authorization listed all the Interest Numbers for the Interest Register number it would be a different way of authorizing the same thing, and is acceptable. However, if the Authorization for a full discharge did not list all the Interest Numbers associated with the Interest Register Number, it would result in a rejection.

Partial Discharge

The Authorization could indicate both the Interest Register Number and the specific Interest Numbers being discharged.

It is also acceptable for the Authorization to list the specific Interest Numbers without indicating the Interest Register Number.

If the authorization solely lists the Interest Register Number for a partial discharge, that is acceptable as long as the Interest Numbers in the application are covered by the Interest Register Number in the Authorization. This would be a case of over-authorizing. The authorization would only be partially acted upon since the application provided with the authorization only indicates a discharge for certain Interest Numbers under that Interest Register Number and the Authorization has authorized the discharge of all the Interest Numbers.

Execution Date

The date the authorization was signed must be included and contain the day, month and year that the document was signed. The customer can choose to display the date in any format they wish but they must indicate, where it is not obvious, which is the month and day.

Here are some samples of date formats that are acceptable:

- 01/25/2004.
- 25/01/2004.
- January 25, 2004.
- 25 January/04.
- January 25/04
- 25 January, 2004.

However, if the date is 11/12/04 the authorization must indicate (dd/mm/yy) or (day, month, year) beside or underneath the date so that the day and month can be distinguished.

These date formats will cause the authorization to be rejected:

- January/04 – no date given.
- January 25 – no year given.
- 2004 – no date or month given.
- Blank date – no date, month or year given.
- 01/04/2004 – no indication which is month and day.



NOTE

The date cannot be a future date.

Corporate Officer Name and Position

When an Interest Authorization is completed by a body corporate with the seal affixed, the authorization must be executed by an officer of the body corporate.

It is recommended that the Authorization contain the name and the position of corporate officer signing. Failure to show the name or position of a person signing on behalf of the corporation with the corporate seal affixed, is not a valid rejection.

*Failure to show the position or the name of a person signing **under seal** on behalf of the corporation is not a valid rejection.*

It does not matter what position is listed on the authorization. It is not the designation of the position that shows the person has authority. What determines who has such authority is the resolution of the Corporation designating signing officers

A resolution of the Company also determines how many signing officers must execute documents on behalf of a Corporation. The Land Titles Act, 2000, specifies that the authorization must be executed by one officer of the body corporate. If more than one officer signs that is not a reason for rejection.

The name of a corporate officer on a transfer authorization can have initials in it.

Depending on the format of the Authorization the Corporate Officer Name and position may be in the body of the authorization or printed under the Officers signature. Both formats are acceptable.

Corporate Seal is not visible

The seal must be visible and be legible. This problem often arises with the use of an embossed seal. There are two options for when this occurs:

1. Render the embossed seal visible on the authorization (such as rubbing carbon paper or a pencil over it).



NOTE

Rendering the seal visible does not consistently make it visible and legible when our system converts it to an electronic image. To avoid a possible rejection it is recommended to submit a Certificate.

Or

2. If the seal is not visible or legible, a **Certificate of Lawyer** or **Certificate of Notary Public** verifying that the authorization was executed with the seal affixed, is required.

Certificate of Lawyer

When a Certificate of Lawyer is provided, the lawyer is certifying that they have examined the authorization and that the corporate seal was affixed.

The lawyer must identify their name and indicate on the certificate that he/she is a lawyer. The lawyer can be from any province, it does not need to be a Saskatchewan lawyer.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the authorization.

A Certificate of Lawyer certifying that the seal was affixed to the Authorization does not need a seal or stamp regardless of whether they are a lawyer from Saskatchewan or any other province, as long as the certificate indicates they are a lawyer and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

Certificate of Notary Public

When a Certificate of Notary Public is provided, the Notary is certifying that they have examined the interest authorization and that the corporate seal was affixed.

The Certificate must be completed by a Notary Public, not by a Commissioner for Oaths, regardless of whether it is completed in or out of Saskatchewan.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the authorization.

A Certificate of Notary certifying that the seal was affixed to the Authorization does not need a seal or stamp regardless of whether they are a notary from Saskatchewan or any other province, as long as the certificate indicates they are a notary and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

A Certificate completed by a **Notary in Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- Expiry date of their appointment must be indicated
- A Seal is not required

A Certificate completed by a **Notary Public out of Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- An expiry date is not required.
- Because Notary Public appointments are granted by province, we cannot police expiry date requirements for appointments outside of Saskatchewan. As such, if no expiry date is included, we assume it does not expire.
- A Seal is not required.

Corporation Executing by Officer(s) with No Seal Affixed

The Authorization

A Corporation can execute an Interest Authorization without affixing a corporate seal. If the corporate officer(s) does not sign under seal the following is required:

1. **Completed Interest Authorization**
 - A. [Interest Holder - Corporation Name](#)
 - B. [Corporate Officer Name and Position \(indicated here or in the Affidavit Verifying Corporate Signing Authority\)](#)
 - C. [Indication whether the authorization is an Assignment, Amendment, Full or Partial Discharge](#)
 - D. [What is being Assigned, Amended or Discharged](#)
 - E. [Execution Date](#)
 - F. Corporate Officer Signature
 - G. Witness Signature
 - H. [Witness Lawyer in Saskatchewan](#)
 - i. Status as a lawyer in Saskatchewan identified
 - ii. Name of lawyer identified
 - iii. No Affidavit of Execution required
2. [Witness Lawyer outside of Saskatchewan or another Individual -](#)
3. [Affidavit of Execution](#) is required
4. [Affidavit Verifying Corporate Signing Authority is required](#)

Interest Holder - Corporation Name

The name of the Corporation that is the holder of the interest should be given exactly as it appears on the title. You can check a Title Print to be certain of how the name appears in the Land Registry.

However, there are certain differences or discrepancies in how the Corporation Name appears on the Title Print and the Interest Authorization that will be acceptable and will not result in the rejection of the application. Additional authorization evidence is **not** required for the following differences:

- The presence or absence of punctuation.
- The use of ‘&’ instead of ‘and’, and vice versa.
- Upper or lowercase discrepancies.
- Discrepancies between the forms of the indication of the corporate status:
 - Limited, Ltd., Limitee, Ltee.
 - Incorporated, Inc., Incorporée,
 - Corporation, or Corp.
- Spaces between words.
- Absence or presence of ‘The’ at the beginning of the corporation name.

Additional documentation (evidence) **is** required with the authorization for any discrepancies that do not fall into one of the examples above. For example:

- Difference in the name itself
 - Scuttle Oil Corp. versus Scuttle Gas & Oil Corp.
 - Boston Pizza Ltd. versus Boston Pizza Moose Jaw Ltd.
 - Acme Moving (1979) Ltd. versus Acme Moving (2000) Ltd.
- Different placement of the “&” or “and”
 - Homeland Foreign & Security Corp. versus Homeland & Foreign Security Corp.
- Discrepancies in spelling of the corporate name including the presence or absence of the letter “s”
 - McEwen Farm Ltd. versus McEwens Farm Ltd.
 - Mitchell Machine Inc. versus Mitchel Machine Inc.
- The presence or absence of “Ltd.,” “Corp.,” “Inc.” or the long form of those words
 - Fancy Gifts Limited versus Fancy Gifts
- Discrepancies between Ltd. and Inc.; Ltd. and Corp.; Inc. and Corp
 - Ace Moving Ltd. versus Ace Moving Inc.

The additional documentation as evidence with the authorization that will be accepted in the above situations are:

- Corporation Branch documents such as Certificate of Amalgamation or Certificate of Amendment for a Corporate Name Change (Agreements, letters, memos, Notices to the Industry that refer to the above are not acceptable)
- Legislative citations or excerpts from Acts explaining the transition from one name to another.
 - For example: Titles held in the name of The Saskatchewan Land Bank Commission, the authorization will refer to Section 7 of The Land Bank Repeal & Temporary Provisions Act as evidence for Sask Agriculture Food Rural Revitalization executing the authorization

Corporate Officer Name and Position

Name

The name of the Corporate Officer can be identified in either the authorization or the Affidavit Verifying Corporate Signing Authority, as long as it is present in one of those places. The name of a corporate officer on the authorization can have initials in it. The following versions of the corporate officers name are all acceptable:

- First name, middle name, last name (Jane Lynn Smith)
- First name, middle initial, last name (Jane L. Smith)
- First initial, middle name, last name (J. Lynn Smith)
- First Name, last name (Jane Smith)

The Name should be used consistently throughout the Authorization and the Affidavit, however if it is not, as long as it is apparent that they are the same person, the application need not be rejected for this.

Position

The person's position for the Corporation must be indicated when a document is executed on behalf of a Corporation **without** affixing the **Corporate Seal**. If it is not the application must be rejected. The position can be indicated in the Authorization or in the Affidavit Verifying Corporate Signing Authority, as long as it is present in one of those places.

It does not matter what position is listed on the Affidavit. It is not the designation of the position that shows the person has authority. What determines who has such authority is the resolution of the Corporation designating signing officers.

A resolution of the Company also determines how many signing officers must execute documents on behalf of a Corporation.

We do not confirm who and how many signing officers a Corporation has designated and do not request a copy of the Corporate resolution.

For example: An Interest Authorization is signed by two individuals for a Corporation, however only one officer completes the Affidavit Verifying Corporate Signing Authority. This is acceptable because the Registrar only requires the authorization to be executed by "an" officer. The Corporation's resolution may only require the signature of one officer however the Corporation may have a policy of having the officer's signature countersigned with another signature.

A Corporation's resolution may also require more than two signing officers, resulting in a transfer authorization having numerous signatures. This is also not a reason for rejection.

Indication whether the authorization is an Assignment, Amendment, Full or Partial Discharge

The Interest Authorization must indicate what type of interest transaction is being authorized.

If ISC's sample authorization form is used check one of the following:

- Assignment
- Amendment
- Full Discharge
- Partial Discharge

If it is a custom authorization it must indicate which type of interest transaction is being authorized, and need not include check boxes.

If the Authorization is for an **Assignment** of Interest the authorization must include the name of the **Assignee**, name of the new Interest Holder(s) exactly as it appears on the Application for Interest Assignment.

Assignee

The Assignee identifies who the new interest holder will be. This is who the interest is being assigned to. Only the holder information changes, the original interest information such as type, value, and attachments will not change. The assignee could be an individual or a body corporate or multiple of each either as joint tenants or tenants in common. The Authorization does not need to indicate the type of ownership since this is done in the application. If it is indicated in the authorization this is not cause for rejection unless it conflicts with what is in the application.

A body corporate does not need to hold an interest under their Cobra linked client number nor do they need to have a COBRA linked client number.

For an individual interest holder Given Name (First Name), Middle Name, if any and Family Name (Last Name) must be provided.

**NOTE**

S. 10 of *The Land Titles Regulations, 2001* provides that if an applicant is an individual the name on the application must include their given name, middle name, if any, and family name. Given name is their first name as it appears on their birth certificate unless legally changed. If a person has a middle name it is to be used as well as their last name. An individual should not use shortened versions (Alex for Alexander) or an alias (Tracy Kimberley Smith goes by Kim Smith) for Land Registry purposes.

We do not enforce individual's names by requiring that they provide a copy of their birth certificate. It is not a reason to reject if a middle name is not given, when it is known that the person has one.

Where an individual has a last name, first name or middle name that consists solely of an initial, a certificate from the Director of Vital Statistics or from an equivalent official in another jurisdiction must be submitted with the Authorization as proof that the initial is the proper name.

What is being Assigned, Amended or Discharged

Interest Register Number – The nine-digit number assigned to a registered interest. An interest may be registered on several titles and this number will be the same for all those titles.

Interest Number – Identifies an Interest within an Interest Register that relates to a specific title.

Share Number – Identifies a portion of an interest held by one interest holder, where more than one person or corporate entity has a share in the interest.

Assignment

Currently Interest Assignment by full Interest Register Number is not available.

The authorization should contain the Interest Register Number and all the Interest Numbers/ Interest Shares being assigned.

If the Assignment Authorization contains solely the Interest Register Number or Interest Numbers or Share Numbers being assigned, as long as it authorizes what the application is requesting it will be acceptable.

For example, if the application is to assign specific shares in an interest, the application must provide the Interest Register Number, Interest Numbers and Share Numbers. It is acceptable for the authorization to only refer to the Interest Share Numbers.

Amendment

The Amendment of an Interest must occur at the Interest Register level. An interest cannot be amended for one interest number. For example, if a mortgage is registered against three titles it will have one Interest Register number and 3 Interest Numbers, one for each title it is registered against. The mortgage cannot be amended against just one title.

The Authorization must contain the Interest Register Number or list all the Interest Numbers for that Interest Register Number. It is also acceptable if it contains the Interest Register Number and the Interest Numbers.

Discharge

If the Authorization is not one of the ISC provided samples, it may not indicate full or partial; it may just state the interest holder authorizes the discharge of This is also acceptable because the application will indicate whether it is a full or partial discharge.

Full Discharge

It is preferable that the Authorization indicate the Interest Register Number.

If the Authorization listed all the Interest Numbers for the Interest Register number it would be a different way of authorizing the same thing, and is acceptable. However, if the Authorization for a full discharge did not list all the Interest Numbers associated with the Interest Register Number, it would result in a rejection.

Partial Discharge

The Authorization could indicate both the Interest Register Number and the specific Interest Numbers being discharged.

It is also acceptable for the Authorization to list the specific Interest Numbers without indicating the Interest Register Number.

If the authorization solely lists the Interest Register Number for a partial discharge, that is acceptable as long as the Interest Numbers in the application are covered by the Interest Register Number in the Authorization. This would be a case of over-authorizing. The authorization would only be partially acted upon since the application provided with the authorization only indicates a discharge for certain Interest Numbers under that Interest Register Number and the Authorization has authorized the discharge of all the Interest Numbers.

Execution Date

The date the authorization was signed must be included and contain the day, month and year that the document was signed. The customer can choose to display the date in any format they wish but they must indicate, where it is not obvious, which is the month and day.

Here are some samples of date formats that are acceptable:

- 01/25/2004.
- 25/01/2004.
- January 25, 2004.
- 25 January/04.
- January 25/04
- 25 January, 2004.

However, if the date is 11/12/04 the authorization must indicate (dd/mm/yy) or (day, month, year) beside or underneath the date so that the day and month can be distinguished.

These date formats will cause the authorization to be rejected:

- January/04 – no date given.
- January 25 – no year given.
- 2004 – no date or month given.
- Blank date – no date, month or year given.
- 01/04/2004 – no indication which is month and day.



NOTE

The date cannot be a future date.

Witness Lawyer in Saskatchewan

Authorizations, other than an authorization executed under corporate seal, must be witnessed by one person.

**NOTE**

For other exceptions to the witness requirement please refer to sections 25 and 26 of *The Land Titles Regulations, 2001* regarding documents signed on behalf of the Provincial Mediation Board or the Government of Saskatchewan.

The requirement for a witness is a safeguard against forgery and enables the execution of a document to be proved in court by an independent party.

Pursuant to section 27 of *The Land Titles Regulations, 2001*, if the authorization is witnessed by a lawyer who is licensed to practice in Saskatchewan pursuant to *The Legal Profession Act, 1990*, an Affidavit of Execution is not required.

A lawyer who acts as a witness must sign his or her name to the authorization as a witness.

Under the lawyer's signature the lawyer must clearly identify his or her name. The name can be identified by:

- being typed,
- hand printed or
- written or signed as long as one full name and last name is legible.

There must be at least one full name, either first or second and a last name indicated.

The name of a lawyer on an interest authorization can have initials in it. There must be at least one full name, either first or second and a last name indicated.

The following versions of the Lawyer's name are all acceptable:

- First name, middle name, last name (Jane Lynn Smith)
- First name, middle initial, last name (Jane L. Smith)
- First initial, middle name, last name (J. Lynn Smith)
- First name, last name (Jane Smith)

The authorization must clearly indicate the lawyer's status as a lawyer in Saskatchewan. If the customer has used the sample authorization provided by ISC the check box must be marked in some way, such as with an x or check mark or filled in, or their status as a lawyer in Saskatchewan must otherwise be indicated on this portion of the Authorization. If the status as a lawyer in Saskatchewan is not indicated this will result in a rejection.

Check if witness is a Lawyer in and for the Province of Saskatchewan

Lawyer Name

Even if we recognize the name as a lawyer in Saskatchewan or other Affidavits in the packet indicate the lawyer as a Saskatchewan lawyer, this indication by the lawyer needs to be present. Because of the exemption from the need to provide an Affidavit of Execution if the witness is a Saskatchewan Lawyer, this puts a positive onus on the lawyer to confirm this fact by marking the check box or indicating on the authorization this fact (such as a lawyers stamp).

If the format of the Authorization submitted is not one of the samples provided on the ISC website, it does not need to have a check box. It can have the Lawyer's name identified and state Lawyer in and for the Province of Saskatchewan. A stamp with the Lawyer's name and an indication that they are a lawyer, or a barrister and solicitor, in the province of Saskatchewan is also acceptable.

***Witness Lawyer outside of
Saskatchewan or another Individual***

Authorizations, other than an authorization executed under corporate seal, must be witnessed by one person.



For other exceptions to the witness requirement please refer to sections 25 and 26 of *The Land Titles Regulations, 2001* regarding documents signed on behalf of the Provincial Mediation Board or the Government of Saskatchewan.

The requirement for a witness and an Affidavit of Execution is a safeguard against forgery and enables the execution of a document to be proved in court by an independent party.

A person who acts as a witness must **sign** his or her name to the authorization as a witness and if the witness is not a Saskatchewan lawyer, complete an Affidavit of Execution.

Affidavit Verifying Corporate Signing Authority

Any time Corporate Signing Officers execute an Authorization without affixing the corporate seal an Affidavit Verifying Corporate Signing Authority is required.

In the Affidavit the Officer is swearing or affirming in writing that they are an Officer of the Corporation and are authorized by the corporation to execute the authorization without affixing the corporate seal.

Corporate Officer Name and Position

Name

The name of a corporate officer on the Affidavit can have initials in it. The following versions of the corporate officers name are all acceptable:

- First name, middle name, last name (Jane Lynn Smith)
- First name, middle initial, last name (Jane L. Smith)
- First initial, middle name, last name (J. Lynn Smith)
- First Name, last name (Jane Smith)

The Name should be used consistently throughout the Authorization and Affidavit, however if it is not, as long as it is apparent that they are the same person, the application need not be rejected for this.

Position

The person's position for the Corporation **must** be indicated when a document is executed on behalf of a Corporation **without** affixing the **Corporate Seal**. If it is not the application must be rejected.

It does not matter what position is listed on the Affidavit. It is not the designation of the position that shows the person has authority. What determines who has such authority is the resolution of the Corporation designating signing officers.

A resolution of the Company also determines how many signing officers must execute documents on behalf of a Corporation.

We do not police who and how many signing officers a Corporation has designated and do not request a copy of the Corporate resolution.

For example: An Authorization is signed by two individuals for a Corporation, however only one officer completes the Affidavit Verifying Corporate Signing Authority. This is acceptable because the Registrar only requires the authorization to be executed by “an” officer. The Corporation’s resolution may only require the signature of one officer however the Corporation may have a policy of having the officer’s signature countersigned with another signature.

A Corporation’s resolution may also require more than two signing officers, resulting in an authorization having numerous signatures. This is also not a reason for rejection.

Location of Corporate Officer

The Corporate Signing Officer when completing the Affidavit must indicate the **Place** and **Province** of their residence, not their employment. This is for identification purposes and to locate the witness if ever needed.

The Jurat

The Jurat is the section of a document that begins ‘Sworn before me.’ The jurat is completed by the Official authorized to administer oaths, before whom the corporate officer swears or affirms the Affidavit Verifying Corporate Signing Authority (ie. lawyer, notary public or commissioner of oaths).



NOTE

An Affidavit may also be sworn or affirmed before those persons set out in section 24 of *The Land Titles Regulations, 2001*.

The first line in the jurat is where the Official indicates the Place and Province where the Affidavit was sworn.

Place

This must be indicated as an identifiable place within the province. This can be:

- A city, town, hamlet, reserve, or village, etc.
- A legal land description giving the quarter section, township, range, meridian. Or
- Near such a place.

'In the home of' is not a valid, identifiable place. A Rural Municipality or County is not an identifiable place.

**NOTE**

If an address is included, as long as there is a city/town named, it will not be rejected.

Province

The name of the province must also be identifiable. The format of the province name is not important, as long as it is clear which province is meant.

Thus, SK, Sask., and Saskatchewan are equally acceptable, as are BC or British Columbia.

Date

This refers to the date the Affidavit was sworn.

The customer can choose to display the date in any format they wish but they must indicate, where it is not obvious, which is the month and day.

Here are some samples of date formats that are acceptable:

- 01/25/2004.
- 25/01/2004.
- January 25, 2004.
- 25 January/04.
- January 25/04
- 25 January, 2004.

However, if the date is 11/12/04 the affidavit must indicate (dd/mm/yy) or (day, month year) beside or underneath the date so that the day and month can be distinguished.

These date formats will cause the affidavit to be rejected:

- January/04 – no date given.
- January 25 – no year given.
- 2004 – no date or month given.
- Blank date – no date, month or year given.
- 01/04/2004 – no indication which is month and day.

**NOTE**

The date cannot be a future date, and it cannot be a date prior to the execution date on the interest Authorization.

Signature of Official

The Jurat must be signed by the Official administering the oath.

The Affidavit may be sworn or affirmed. If it is affirmed, the word “Sworn” in the jurat must be replaced with the word “Affirmed.”

Certain rules apply if the Official before whom the Affidavit is sworn is in or out of Saskatchewan and what type of Official they are.

- [Solicitor in Saskatchewan](#)
- [Notary Public for Saskatchewan -- Not a Solicitor](#)
- [Notary Public outside of Saskatchewan, or Solicitor outside of Saskatchewan](#)
- [Commissioner for Oaths in and for Saskatchewan – Not a Solicitor](#)
- [Commissioner for Oaths without Saskatchewan](#)

Solicitor in Saskatchewan

A solicitor in Saskatchewan is automatically both a Commissioner for Oaths within and without Saskatchewan and a Notary Public. Their appointment does not expire unless suspended, revoked or cease to hold an annual certificate under *The Legal Profession Act, 1990*.

The requirements when an Affidavit is sworn by a Solicitor in Saskatchewan are as follows:

- Status as a Commissioner for Oaths in and for Saskatchewan and/or Notary Public being a Solicitor must be included.
- No seal or expiry date is required
- No need to have one of the references (a Commissioner for Oaths or a Notary Public) deleted as long as their status as a Notary Public or Commissioner for Oaths being a Solicitor is somehow indicated. For example √ Being a Solicitor√
- Alternatively, one of the other (Notary Public or Commissioner For Oaths) may be shown as long as their status as a Solicitor is shown
- If one of the references is deleted, this deletion does not require initials authorizing the change to the Affidavit.
- A Stamp that contains the required information may be affixed as an alternative to any indications or deletions in the Jurat.

Notary Public in Saskatchewan – Not a Solicitor

An affidavit sworn by an individual that is a Notary Public but is not a Solicitor in Saskatchewan requires the following:

- Status as a Notary Public must be indicated by:
 - Crossing out other choices (for example: ~~Commissioner for Oaths~~) (Note: This does not need to be initialed.)
 - Placing a checkmark over Notary Public.
 - Having a seal or stamp that indicates their authority as a Notary Public.
 - No special form of stamp is required.
 - Nothing needs to be crossed out.
- Expiry date of appointment must be indicated
- A seal is not required

Notary Public out of Saskatchewan, or Lawyer outside of Saskatchewan

The requirement where an Affidavit is sworn by a Notary Public out of Saskatchewan is the same if the person is a solicitor or not. They are as follows:

- Seal must be present which indicates
 - The person’s name and status as a Notary Public.
 - The seal does not need to be round or entirely closed,
 - A stamp can replace the seal.

 *NOTE*

The Land Titles Regulations, 2001 requires an affidavit sworn before a Notary out of Saskatchewan to be under official seal.

Colleen L. Smith Barrister and Solicitor 345 – 555 Elm Drive Victoria, B.C. A1B 2C3		this would be rejected as it is an address stamp not a Notarial stamp
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Colleen L. Smith Notary Public British Columbia		is acceptable
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Jane Klassen Barrister & Solicitor, Notary		is acceptable
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Ann Smith a Notary Public for the County of Perth, authorized to take Affidavits and Attest documents for the Bank Of Nova Scotia		is acceptable (these are approved by Ontario’s Attorney General)
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- No expiry date is needed for a Notary from outside Saskatchewan, but it can be included.
- The stamp or seal affixed will contain an indication of their capacity, therefore, if the jurat contains both Commissioner of Oaths and Notary Public the inapplicable reference does not need to be crossed out.
If it is crossed out, that is acceptable, and it does not need to be initialed.

Notarial Seal not Visible

The seal must be visible and be legible. This problem often arises with the use of an embossed seal. There are two options for when this occurs:

1. Render the embossed seal visible on the Affidavit (such as rubbing carbon paper or a pencil over it).



NOTE

Rendering the seal visible does not consistently make it visible and legible when our system converts it to an electronic image. To avoid a possible rejection it is recommended to submit a Certificate.

Or

2. If the seal is not visible or legible, a **Certificate of Lawyer** or **Certificate of Notary Public** verifying that the Affidavit was executed with the seal affixed, is required.

This Certificate cannot be provided by the same Notary or Solicitor whose stamp is not visible. It must be provided by another Notary or Lawyer.

Certificate of Lawyer

When a Certificate of Lawyer is provided, the lawyer is certifying that they have examined the authorization and that the notarial seal was affixed.

The lawyer must identify their name and indicate on the certificate that he/she is a lawyer. The lawyer can be from any province, it does not need to be a Saskatchewan lawyer.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the Affidavit.

A Certificate of Lawyer certifying that the seal was affixed to the authorization does not need a seal or stamp regardless of whether they are a lawyer from Saskatchewan or any other province, as long as the certificate indicates they are a lawyer and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

Certificate of Notary Public

When a Certificate of Notary Public is provided, the Notary is certifying that they have examined the authorization and that the notarial seal was affixed.

The Certificate must be completed by a Notary Public, not by a Commissioner for Oaths, regardless of whether it is completed in or out of Saskatchewan.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the authorization.

A Certificate of Notary certifying that the seal was affixed to the authorization does not need a seal or stamp regardless of whether they are a notary from Saskatchewan or any other province, as long as the certificate indicates they are a notary and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

A Certificate completed by a **Notary in Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- Expiry date of their appointment must be indicated
- A Seal is not required

A Certificate completed by a **Notary Public out of Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- An expiry date is not required.
- Because Notary Public appointments are granted by province, we cannot police expiry date requirements for appointments outside of Saskatchewan. As such, if no expiry date is included, we assume it does not expire.
- A Seal is not required.

Commissioner for Oaths in and for Saskatchewan – Not a Solicitor

An affidavit sworn by an individual that is a Commissioner for Oaths but is not a Solicitor in Saskatchewan requires the following:

- Status as a Commissioner for Oaths must be indicated by:
 - Crossing out other choices (for example: ~~Notary Public~~) (Note: This does not need to be initialed.)
 - Or placing a checkmark over Commissioner of Oaths.
 - A seal or stamp that indicates their authority to take oaths may be affixed as an alternative, in which case nothing needs to be crossed out.
 - No special form of stamp is required.
- Expiry date of commission must be indicated
- A seal is not required

Commissioner for Oaths Without Saskatchewan

A person may apply to the Minister of Justice (Saskatchewan) to be appointed as a Commissioner for Oaths outside of Saskatchewan. Such an appointment allows the person to administer oaths and take affidavits outside of Saskatchewan for use in Saskatchewan. Persons so appointed are called “A Commissioner for Oaths without Saskatchewan”.

The requirements where an Affidavit is sworn by a Commissioner for Oaths without Saskatchewan is as follows:

- Status as a “Commissioner for Oaths without Saskatchewan” must be indicated.
- A seal is not required
- The expiry date must be referenced

- The inapplicable references must be crossed out, such as Notary Public, unless it is clear what their status is without such deletions. This alteration does not need to be initialed.
- A stamp that contains the required information may be affixed as an alternative. In this situation, the inapplicable reference need not be deleted.

Affidavit of Execution

If the witness is not a lawyer, or is a lawyer but not in Saskatchewan, the witness must fill out an Affidavit of Execution.

The requirement for a witness and an Affidavit of Execution is a safeguard against forgery and enables the execution of a document to be proved in court by an independent party.

The person who has signed his or her name to the Interest Authorization as Witness must complete the Affidavit of Execution.

The Affidavit is divided into two parts: the **statements sworn** or affirmed by the witness, and the **jurat**. Below are the items to be completed in the Affidavit:

- A. Witness Name
- B. Witness Place of residence
- C. Province
- D. Person whose signature was witnessed
- E. **Witness Signature**
- F. Jurat

Witness Name

A witness' name can have an initial, but must have a full first or second name and last name to provide greater certainty of identity, should the need arise to locate the witness.

Acceptable Witness name forms include:

- John James Smith.
- John J. Smith.
- John Smith.
- J. James Smith.

The following name forms will cause a rejection unless proof is attached that the initial is the entire given name. This proof may be a birth certificate or a certificate from the Department of Vital Statistics.

- J. Smith.

Residence of Witness

The witness when completing the Affidavit of Execution must indicate the **Place** and **Province** of their residence, not where they are employed. The purpose of this is for greater certainty of identification and to locate the witness should the need arise.

Place

This must be indicated as an identifiable place within the province. This can be:

- A city, town, hamlet, reserve or village etc.
- A legal and description giving the quarter section, township, range, meridian. Or
- Near such a place.

'In the home of' is not a valid, identifiable place. A Rural Municipality or County is not an identifiable place.

Province

The name of the province must also be identifiable. The format of the province name is not important, as long as it is clear which province is meant.

Thus, SK, Sask., and Saskatchewan are equally acceptable, as are BC or British Columbia.

Witness Statements

In this section the witness must state that the person who has executed the transfer authorization:

- 1) Is personally known to the witness or the witness has satisfied themselves that the person who signed the authorization is who they purport to be.
 - eg. 'I personally know _____
 - Or**
 - eg. 'I have satisfied myself that _____
- 2) Is the person named in the Authorization and whose name is subscribed to the Authorization.
- 3) Was in the presence of the witness when the person executed the Authorization.
- 4) Is 18 years of age or more.

Person whose signature was witnessed

The Signator is the person who signed the authorization and whose signature was witnessed by the witness.

The signator's name in the authorization should be identical to the registered owner's name on title or acceptable evidence will need to be provided to explain the discrepancy or the person's authority to execute the authorization on behalf of the registered owner.

The name of the signator should be stated consistently in the Affidavit with how he/she is stated in the authorization, however the name need not be identical. As long as it is apparent that the person named in the Affidavit is the same person named in the Authorization, it will not result in a rejection.

For example if the individual is named in the Authorization as Keith John Kline and the Affidavit of Execution refers to him as Keith Kline or Keith J. Kline, both will be acceptable.

Another example is a shortened version of the name, where the individual is named in the Authorization as Walter Daniel Zammer and the Affidavit of Execution refers to him as Walt Zammer. This is acceptable as it is still apparent that this is the same person.

However, if an individual named on an Authorization as Richard Michael Whyte and the Affidavit of Execution refers to a Dick Whyte, it is not apparent that they are the same person so this would not be acceptable.

Slight variations of the name are acceptable because if it is apparent that it is the same person and the witness is swearing that this is the same person who is named in the Interest Authorization, the risk is very low.

If the Affidavit of Execution refers to them by a completely different first name or last name then it is not apparent that they are the same person and this would not be acceptable.

The Jurat

The Jurat is the section of a document that begins 'Sworn before me.' The jurat is completed by the Official authorized to administer oaths, before whom the Witness swears or affirms the Affidavit Of Execution (ie. lawyer, notary public or commissioner of oaths).



NOTE

An Affidavit may also be sworn or affirmed before those persons set out in section 24 of *The Land Titles Regulations, 2001*.

The first line in the jurat is where the Official indicates the Place and Province where the Affidavit was sworn.

Place

This must be indicated as an identifiable place within the province. This can be:

- A city, town, hamlet, reserve, or village, etc.
- A legal land description giving the quarter section, township, range, meridian. Or
- Near such a place.

'In the home of' is not a valid, identifiable place. A Rural Municipality or County is not an identifiable place.



NOTE

If an address is included, as long as there is a city/town named, it will not be rejected.

Province

The name of the province must also be identifiable. The format of the province name is not important, as long as it is clear which province is meant.

Thus, SK, Sask., and Saskatchewan are equally acceptable, as are BC or British Columbia.

Date

This refers to the date the Affidavit was sworn.

The customer can choose to display the date in any format they wish but they must indicate, where it is not obvious, which is the month and day.

Here are some samples of date formats that are acceptable:

- 01/25/2004.
- 25/01/2004.
- January 25, 2004.
- 25 January/04.
- January 25/04
- 25 January, 2004.

However, if the date is 11/12/04 the affidavit must indicate (dd/mm/yy) or (day, month year) beside or underneath the date so that the day and month can be distinguished.

These date formats will cause the affidavit to be rejected:

- January/04 – no date given.
- January 25 – no year given.
- 2004 – no date or month given.
- Blank date – no date, month or year given.
- 01/04/2004 – no indication which is month and day.



NOTE

The date cannot be a future date, and it cannot be a date prior to the execution date on the interest Authorization.

Signature of Official

The Jurat must be signed by the Official administering the oath.

The Affidavit may be sworn or affirmed. If it is affirmed, the word “Sworn” in the jurat must be replaced with the word “Affirmed.”

Certain rules apply if the Official before whom the Affidavit is sworn is in or out of Saskatchewan and what type of Official they are.

- [Solicitor in Saskatchewan](#)
- [Notary Public for Saskatchewan – Not a Solicitor](#)
- [Notary Public outside of Saskatchewan, or Solicitor outside of Saskatchewan](#)
- [Commissioner for Oaths in and for Saskatchewan – Not a Solicitor](#)
- [Commissioner for Oaths without Saskatchewan](#)

Solicitor in Saskatchewan

A solicitor in Saskatchewan is automatically both a Commissioner for Oaths within and without Saskatchewan and a Notary Public. Their appointment does not expire unless suspended, revoked or cease to hold an annual certificate under *The Legal Profession Act, 1990*.

The requirements when an Affidavit is sworn by a Solicitor in Saskatchewan are as follows:

- Status as a Commissioner for Oaths in and for Saskatchewan and/or Notary Public being a Solicitor must be included.
- No seal or expiry date is required
- No need to have one of the references (a Commissioner for Oaths or a Notary Public) deleted as long as their status as a Notary Public or Commissioner for Oaths being a Solicitor is somehow indicated. For example ✓ Being a Solicitor✓
- Alternatively, one of the other (Notary Public or Commissioner For Oaths) may be shown as long as their status as a Solicitor is shown
- If one of the references is deleted, this deletion does not require initials authorizing the change to the Affidavit.
- A Stamp that contains the required information may be affixed as an alternative to any indications or deletions in the Jurat.

Notary Public in Saskatchewan – Not a Solicitor

An affidavit sworn by an individual that is a Notary Public but is not a Solicitor in Saskatchewan requires the following:

- Status as a Notary Public must be indicated by:
 - Crossing out other choices (for example: ~~Commissioner for Oaths~~) (Note: This does not need to be initialed.)
 - Placing a checkmark over Notary Public.
 - Having a seal or stamp that indicates their authority as a Notary Public.
 - No special form of stamp is required.
 - Nothing needs to be crossed out.
- Expiry date of appointment must be indicated
- A seal is not required

**Notary Public out of Saskatchewan,
or Lawyer outside of Saskatchewan**

The requirement where an Affidavit is sworn by a Notary Public out of Saskatchewan is the same if the person is a solicitor or not. They are as follows:

- Seal must be present which indicates
 - The person’s name and status as a Notary Public.
 - The seal does not need to be round or entirely closed,
 - A stamp can replace the seal.



NOTE

The Land Titles Regulations, 2001 requires an affidavit sworn before a Notary out of Saskatchewan to be under official seal.

Colleen L. Smith Barrister and Solicitor 345 – 555 Elm Drive Victoria, B.C. A1B 2C3		this would be rejected as it is an address stamp not a Notarial stamp
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Colleen L. Smith Notary Public British Columbia		is acceptable
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Jane Klassen Barrister & Solicitor, Notary		is acceptable
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Ann Smith a Notary Public for the County of Perth, authorized to take Affidavits and Attest documents for the Bank Of Nova Scotia		is acceptable (these are approved by Ontario’s Attorney General)
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- No expiry date is needed for a Notary from outside Saskatchewan, but it can be included.
- The stamp or seal affixed will contain an indication of their capacity, therefore, if the jurat contains both Commissioner of Oaths and Notary Public the inapplicable reference does not need to be crossed out.
If it is crossed out, that is acceptable, and it does not need to be initialed.

Notarial Seal not Visible

The seal must be visible and be legible. This problem often arises with the use of an embossed seal. There are two options for when this occurs:

1. Render the embossed seal visible on the Affidavit (such as rubbing carbon paper or a pencil over it).

**NOTE**

Rendering the seal visible does not consistently make it visible and legible when our system converts it to an electronic image. To avoid a possible rejection it is recommended to submit a Certificate.

Or

2. If the seal is not visible or legible, a **Certificate of Lawyer** or **Certificate of Notary Public** verifying that the Affidavit was executed with the seal affixed, is required.

This Certificate cannot be provided by the same Notary or Solicitor whose stamp is not visible. It must be provided by another Notary or Lawyer.

Certificate of Lawyer

When a Certificate of Lawyer is provided, the lawyer is certifying that they have examined the authorization and that the notarial seal was affixed.

The lawyer must identify their name and indicate on the certificate that he/she is a lawyer. The lawyer can be from any province, it does not need to be a Saskatchewan lawyer.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the Affidavit.

A Certificate of Lawyer certifying that the seal was affixed to the authorization does not need a seal or stamp regardless of whether they are a lawyer from Saskatchewan or any other province, as long as the certificate indicates they are a lawyer and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

Certificate of Notary Public

When a Certificate of Notary Public is provided, the Notary is certifying that they have examined the authorization and that the notarial seal was affixed.

The Certificate must be completed by a Notary Public, not by a Commissioner for Oaths, regardless of whether it is completed in or out of Saskatchewan.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the authorization.

A Certificate of Notary certifying that the seal was affixed to the authorization does not need a seal or stamp regardless of whether they are a notary from Saskatchewan or any other province, as long as the certificate indicates they are a notary and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

A Certificate completed by a **Notary in Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- Expiry date of their appointment must be indicated
- A Seal is not required

A Certificate completed by a **Notary Public out of Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- An expiry date is not required.
- Because Notary Public appointments are granted by province, we cannot police expiry date requirements for appointments outside of Saskatchewan. As such, if no expiry date is included, we assume it does not expire.
- A Seal is not required.

Commissioner for Oaths in and for Saskatchewan – Not a Solicitor

An affidavit sworn by an individual that is a Commissioner for Oaths but is not a Solicitor in Saskatchewan requires the following:

- Status as a Commissioner for Oaths must be indicated by:
 - Crossing out other choices (for example: ~~Notary Public~~) (Note: This does not need to be initialed.)
 - Or placing a checkmark over Commissioner of Oaths.
 - A seal or stamp that indicates their authority to take oaths may be affixed as an alternative, in which case nothing needs to be crossed out.
 - No special form of stamp is required.
- Expiry date of commission must be indicated
- A seal is not required

Commissioner for Oaths Without Saskatchewan

A person may apply to the Minister of Justice (Saskatchewan) to be appointed as a Commissioner for Oaths outside of Saskatchewan. Such an appointment allows the person to administer oaths and take affidavits outside of Saskatchewan for use in Saskatchewan. Persons so appointed are called “A Commissioner for Oaths without Saskatchewan”.

The requirements where an Affidavit is sworn by a Commissioner for Oaths without Saskatchewan is as follows:

- Status as a “Commissioner for Oaths without Saskatchewan” must be indicated.
- A seal is not required
- The expiry date must be referenced
- The inapplicable references must be crossed out, such as Notary Public, unless it is clear what their status is without such deletions. This alteration does not need to be initialed.
- A stamp that contains the required information may be affixed as an alternative. In this situation, the inapplicable reference need not be deleted.

Interest Authorization Individual(s) Executing with Saskatchewan Lawyer as Witness

The Authorization

The following is required:

1. **Completed Interest Authorization**
 - A. Interest Holder – Individual(s) Name(s)
 - B. Indication whether the authorization is an Assignment, Amendment, Full or Partial Discharge
 - C. What is being Assigned, Amended or Discharged
 - D. Execution Date
 - E. **Individual(s) Interest Holder Signature**
 - F. **Witness Signature**
 - G. Witness Lawyer in Saskatchewan
 - i. **Status as a lawyer in Saskatchewan identified**
 - ii. **Name of lawyer identified**
 - iii. **No Affidavit of Execution required**



NOTE

If witness is a lawyer out of Saskatchewan, or another individual, an Affidavit of Execution is required.

Interest Holder – Individual Name

The name of the Individual(s) that is the holder of the interest should be given exactly as it appears on the title. You can check a Title Print to be certain of how the name appears in the Land Registry.

- If the interest holder on title has an initial in the name, then use the initial when indicating the Interest holder on the authorization. If the full name is used on the authorization an Affidavit of Identity will need to be submitted to explain the discrepancy between the name on the title and the name on the Authorization.
- If the interest holder shown on a title print has the individual's full name, without initials, use the full name on the authorization. Do not omit a part of the name or use initials.

- If there are two or more individuals, each name must be specified separately in full. It is not acceptable for the interest holders to be described as “John and Mary Smith” or a married woman to be described as “Mrs. John Smith. Her given name, middle name, if any, and surname are required.
- No position or occupation is required.

Where a person other than the interest holder authorizes an application, the interest authorization must include evidence satisfactory to the Registrar, to prove that person’s legal authority to authorize the application.

For signing as Powers of Attorney or Alternate Authorities see Form and Instructions for signing on interest holder’s behalf.

For information on discrepancies in interest holder’s name see the **Guide for Affidavits of Identity**.

Indication whether the authorization is an Assignment, Amendment, Full or Partial Discharge

The Interest Authorization must indicate what type of interest transaction is being authorized.

If ISC’s sample authorization form is used check one of the following:

- Assignment
- Amendment
- Full Discharge
- Partial Discharge

If it is a custom authorization it must indicate which type of interest transaction is being authorized, and need not include check boxes.

If the Authorization is for an **Assignment** of Interest the authorization must include the name of the **Assignee**, (name of the new Interest Holder(s)) exactly as it appears on the Application for Interest Assignment.

Assignee

The Assignee identifies who the new interest holder will be. This is who the interest is being assigned to. Only the holder information changes, the original interest information such as type, value, and attachments will not change. The assignee could be an individual or a body corporate or multiple of each either as joint tenants or tenants in common. The Authorization does not need to indicate the type of ownership since this is done in the application. If it is indicated in the authorization this is not cause for rejection unless it conflicts with what is in the application.

A body corporate does not need to hold an interest under their Cobra linked client number nor do they need to have a COBRA linked client number.

For an individual interest holder Given Name (First Name), Middle Name, if any and Family Name (Last Name) must be provided.

**NOTE**

S. 10 of *The Land Titles Regulations, 2001* provides that if an applicant is an individual the name on the application must include their given name, middle name, if any, and family name. Given name is their first name as it appears on their birth certificate unless legally changed. If a person has a middle name it is to be used as well as their last name. An individual should not use shortened versions (Alex for Alexander) or an alias (Tracy Kimberley Smith goes by Kim Smith) for Land Registry purposes.

We do not enforce individual's names by requiring that they provide a copy of their birth certificate. It is not a reason to reject if a middle name is not given, when it is known that the person has one.

Where an individual has a last name, first name or middle name that consists solely of an initial, a certificate from the Director of Vital Statistics or from an equivalent official in another jurisdiction must be submitted with the Authorization as proof that the initial is the proper name.

What is being Assigned, Amended or Discharged

Interest Register Number – The nine-digit number assigned to a registered interest. An interest may be registered on several titles and this number will be the same for all those titles.

Interest Number – Identifies an Interest within an Interest Register that relates to a specific title.

Share Number – Identifies a portion of an interest held by one interest holder, where more than one person or corporate entity has a share in the interest.

Assignment

Currently Interest Assignment by full Interest Register Number is not available.

The authorization should contain the Interest Register Number and all the Interest Numbers/ Interest Shares being assigned.

If the Assignment Authorization contains solely the Interest Register Number or Interest Numbers or Share Numbers being assigned, as long as it authorizes what the application is requesting it will be acceptable.

For example, if the application is to assign specific shares in an interest, the application must provide the Interest Register Number, Interest Numbers and Share Numbers. It is acceptable for the authorization to only refer to the Interest Share Numbers.

Amendment

The Amendment of an Interest must occur at the Interest Register level. An interest cannot be amended for one interest number. For example, if a mortgage is registered against three titles it will have one Interest Register number and 3 Interest Numbers, one for each title it is registered against. The mortgage cannot be amended against just one title.

The Authorization must contain the Interest Register Number or list all the Interest Numbers for that Interest Register Number. It is also acceptable if it contains the Interest Register Number and the Interest Numbers.

Discharge

If the Authorization is not one of the ISC provided samples, it may not indicate full or partial; it may just state the interest holder authorizes the discharge of This is also acceptable because the application will indicate whether it is a full or partial discharge.

Full Discharge

It is preferable that the Authorization indicate the Interest Register Number.

If the Authorization listed all the Interest Numbers for the Interest Register number it would be a different way of authorizing the same thing, and is acceptable. However, if the Authorization for a full discharge did not list all the Interest Numbers associated with the Interest Register Number, it would result in a rejection.

Partial Discharge

The Authorization could indicate both the Interest Register Number and the specific Interest Numbers being discharged.

It is also acceptable for the Authorization to list the specific Interest Numbers without indicating the Interest Register Number.

If the authorization solely lists the Interest Register Number for a partial discharge, that is acceptable as long as the Interest Numbers in the application are covered by the Interest Register Number in the Authorization. This would be a case of over-authorizing. The authorization would only be partially acted upon since the application provided with the authorization only indicates a discharge for certain Interest Numbers under that Interest Register Number and the Authorization has authorized the discharge of all the Interest Numbers.

Execution Date

The date the authorization was signed must be included and contain the day, month and year that the document was signed. The customer can choose to display the date in any format they wish but they must indicate, where it is not obvious, which is the month and day.

Here are some samples of date formats that are acceptable:

- 01/25/2004.
- 25/01/2004.
- January 25, 2004.
- 25 January/04.
- January 25/04
- 25 January, 2004.

However, if the date is 11/12/04 the authorization must indicate (dd/mm/yy) or (day, month, year) beside or underneath the date so that the day and month can be distinguished.

These date formats will cause the authorization to be rejected:

- January/04 – no date given.
- January 25 – no year given.
- 2004 – no date or month given.
- Blank date – no date, month or year given.
- 01/04/2004 – no indication which is month and day.



NOTE

The date cannot be a future date.

Witness Lawyer in Saskatchewan

Authorizations, other than an authorization executed under corporate seal, must be witnessed by one person.



NOTE

For other exceptions to the witness requirement please refer to sections 25 and 26 of *The Land Titles Regulations, 2001* regarding documents signed on behalf of the Provincial Mediation Board or the Government of Saskatchewan.

The requirement for a witness is a safeguard against forgery and enables the execution of a document to be proved in court by an independent party.

Pursuant to section 27 of *The Land Titles Regulations, 2001*, if the authorization is witnessed by a lawyer who is licensed to practice in Saskatchewan pursuant to *The Legal Profession Act, 1990*, an Affidavit of Execution is not required.

A lawyer who acts as a witness must sign his or her name to the authorization as a witness.

There must be at least one full name, either first or second and a last name indicated.

Under the lawyer's signature the lawyer must clearly identify his or her name. The name can be identified by:

- being typed,
- hand printed or
- written or signed as long as one full name and last name is legible.

The name of a lawyer on an interest authorization can have initials in it. There must be at least one full name, either first or second and a last name indicated.

The following versions of the Lawyer's name are all acceptable:

- First name, middle name, last name (Jane Lynn Smith)
- First name, middle initial, last name (Jane L. Smith)
- First initial, middle name, last name (J. Lynn Smith)
- First name, last name (Jane Smith)

The authorization must clearly indicate the lawyer's status as a lawyer in Saskatchewan. If the customer has used the sample authorization provided by ISC the check box must be marked in some way, such as with an x or check mark or filled in, or their status as a lawyer in Saskatchewan must otherwise be indicated on this portion of the Authorization. If the status as a lawyer in Saskatchewan is not indicated this will result in a rejection.

Check if witness is a Lawyer in and for the Province of Saskatchewan

Lawyer Name

Even if we recognize the name as a lawyer in Saskatchewan or other Affidavits in the packet indicate the lawyer as a Saskatchewan lawyer, this indication by the lawyer needs to be present. Because of the exemption from the need to provide an Affidavit of Execution if the witness is a Saskatchewan Lawyer, this puts a positive onus on the lawyer to confirm this fact by marking the check box or indicating on the authorization this fact (such as a lawyers stamp).

If the format of the Authorization submitted is not one of the samples provided on the ISC website, it does not need to have a check box. It can have the Lawyer's name identified and state Lawyer in and for the Province of Saskatchewan. A stamp with the Lawyer's name and an indication that they are a lawyer, or a barrister and solicitor, in the province of Saskatchewan is also acceptable.

Interest Authorization Individual(s) Executing with Non Saskatchewan Lawyer or Non-Lawyer as Witness

The Authorization

An Individual can execute an Interest Authorization without affixing a corporate seal. If the corporate officer(s) does not sign under seal the following is required:

1. **Completed Interest Authorization**
 - A. [Interest Holder – Individual\(s\) Name\(s\)](#)
 - B. [Indication whether the authorization is an Assignment, Amendment, Full or Partial Discharge](#)
 - C. [What is being Assigned, Amended or Discharged](#)
 - D. [Execution Date](#)
 - E. **Individual(s) Interest Holder Signature**
 - F. **Witness Signature**
2. **If witness not a Saskatchewan Lawyer - [Affidavit of Execution](#) is required**

Interest Holder – Individual Name

The name of the Individual(s) that is the holder of the interest should be given exactly as it appears on the title. You can check a Title Print to be certain of how the name appears in the Land Registry.

- If the interest holder on title has an initial in the name, then use the initial when indicating the Interest holder on the authorization. If the full name is used on the authorization an Affidavit of Identity will need to be submitted to explain the discrepancy between the name on the title and the name on the Authorization.
- If the interest holder shown on a title print has the individual's full name, without initials, use the full name on the authorization. Do not omit a part of the name or use initials.

- If there are two or more individuals, each name must be specified separately in full. It is not acceptable for the interest holders to be described as “John and Mary Smith” or a married woman to be described as “Mrs. John Smith. Her given name, middle name, if any, and surname are required.
- No position or occupation is required.

Where a person other than the interest holder authorizes an application, the interest authorization must include evidence satisfactory to the Registrar, to prove that person’s legal authority to authorize the application.

For signing as Powers of Attorney or Alternate Authorities see Form and Instructions for signing on interest holder’s behalf.

For information on discrepancies in interest holder’s name see the **Guide for Affidavits of Identity**.

Indication whether the authorization is an Assignment, Amendment, Full or Partial Discharge

The Interest Authorization must indicate what type of interest transaction is being authorized.

If ISC’s sample authorization form is used check one of the following:

- Assignment
- Amendment
- Full Discharge
- Partial Discharge

If it is a custom authorization it must indicate which type of interest transaction is being authorized, and need not include check boxes.

If the Authorization is for an **Assignment** of Interest the authorization must include the name of the **Assignee**, (name of the new Interest Holder(s)) exactly as it appears on the Application for Interest Assignment.

Assignee

The Assignee identifies who the new interest holder will be. This is who the interest is being assigned to. Only the holder information changes, the original interest information such as type, value, and attachments will not change. The assignee could be an individual or a body corporate or multiple of each either as joint tenants or tenants in common. The Authorization does not need to indicate the type of ownership since this is done in the application. If it is indicated in the authorization this is not cause for rejection unless it conflicts with what is in the application.

A body corporate does not need to hold an interest under their Cobra linked client number nor do they need to have a COBRA linked client number.

For an individual interest holder Given Name (First Name), Middle Name, if any and Family Name (Last Name) must be provided.

**NOTE**

S. 10 of *The Land Titles Regulations, 2001* provides that if an applicant is an individual the name on the application must include their given name, middle name, if any, and family name. Given name is their first name as it appears on their birth certificate unless legally changed. If a person has a middle name it is to be used as well as their last name. An individual should not use shortened versions (Alex for Alexander) or an alias (Tracy Kimberley Smith goes by Kim Smith) for Land Registry purposes.

We do not enforce individual's names by requiring that they provide a copy of their birth certificate. It is not a reason to reject if a middle name is not given, when it is known that the person has one.

Where an individual has a last name, first name or middle name that consists solely of an initial, a certificate from the Director of Vital Statistics or from an equivalent official in another jurisdiction must be submitted with the Authorization as proof that the initial is the proper name.

What is being Assigned, Amended or Discharged

Interest Register Number – The nine-digit number assigned to a registered interest. An interest may be registered on several titles and this number will be the same for all those titles.

Interest Number – Identifies an Interest within an Interest Register that relates to a specific title.

Share Number – Identifies a portion of an interest held by one interest holder, where more than one person or corporate entity has a share in the interest.

Assignment

Currently Interest Assignment by full Interest Register Number is not available.

The authorization should contain the Interest Register Number and all the Interest Numbers/ Interest Shares being assigned.

If the Assignment Authorization contains solely the Interest Register Number or Interest Numbers or Share Numbers being assigned, as long as it authorizes what the application is requesting it will be acceptable.

For example, if the application is to assign specific shares in an interest, the application must provide the Interest Register Number, Interest Numbers and Share Numbers. It is acceptable for the authorization to only refer to the Interest Share Numbers.

Amendment

The Amendment of an Interest must occur at the Interest Register level. An interest cannot be amended for one interest number. For example, if a mortgage is registered against three titles it will have one Interest Register number and 3 Interest Numbers, one for each title it is registered against. The mortgage cannot be amended against just one title.

The Authorization must contain the Interest Register Number or list all the Interest Numbers for that Interest Register Number. It is also acceptable if it contains the Interest Register Number and the Interest Numbers.

Discharge

If the Authorization is not one of the ISC provided samples, it may not indicate full or partial; it may just state the interest holder authorizes the discharge of This is also acceptable because the application will indicate whether it is a full or partial discharge.

Full Discharge

It is preferable that the Authorization indicate the Interest Register Number.

If the Authorization listed all the Interest Numbers for the Interest Register number it would be a different way of authorizing the same thing, and is acceptable. However, if the Authorization for a full discharge did not list all the Interest Numbers associated with the Interest Register Number, it would result in a rejection.

Partial Discharge

The Authorization could indicate both the Interest Register Number and the specific Interest Numbers being discharged.

It is also acceptable for the Authorization to list the specific Interest Numbers without indicating the Interest Register Number.

If the authorization solely lists the Interest Register Number for a partial discharge, that is acceptable as long as the Interest Numbers in the application are covered by the Interest Register Number in the Authorization. This would be a case of over-authorizing. The authorization would only be partially acted upon since the application provided with the authorization only indicates a discharge for certain Interest Numbers under that Interest Register Number and the Authorization has authorized the discharge of all the Interest Numbers.

Execution Date

The date the authorization was signed must be included and contain the day, month and year that the document was signed. The customer can choose to display the date in any format they wish but they must indicate, where it is not obvious, which is the month and day.

Here are some samples of date formats that are acceptable:

- 01/25/2004.
- 25/01/2004.
- January 25, 2004.
- 25 January/04.
- January 25/04
- 25 January, 2004.

However, if the date is 11/12/04 the authorization must indicate (dd/mm/yy) or (day, month, year) beside or underneath the date so that the day and month can be distinguished.

These date formats will cause the authorization to be rejected:

- January/04 – no date given.
- January 25 – no year given.
- 2004 – no date or month given.
- Blank date – no date, month or year given.
- 01/04/2004 – no indication which is month and day.



NOTE

The date cannot be a future date.

Affidavit of Execution

If the witness is not a lawyer, or is a lawyer but not in Saskatchewan, the witness must fill out an Affidavit of Execution.

The requirement for a witness and an Affidavit of Execution is a safeguard against forgery and enables the execution of a document to be proved in court by an independent party.

The person who has signed his or her name to the Interest Authorization as Witness must complete the Affidavit of Execution.

The Affidavit is divided into two parts: the **statements sworn** or affirmed by the witness, and the **jurat**. Below are the items to be completed in the Affidavit:

- A. Witness Name
- B. Witness Place of residence
- C. **Province**
- D. Person whose signature was witnessed
- E. **Witness Signature**
- F. Jurat

Witness Name

A witness' name can have an initial, but must have a full first or second name and last name to provide greater certainty of identity, should the need arise to locate the witness.

Acceptable Witness name forms include:

- John James Smith.
- John J. Smith.
- John Smith.
- J. James Smith.

The following name forms will cause a rejection unless proof is attached that the initial is the entire given name. This proof may be a birth certificate or a certificate from the Department of Vital Statistics.

- J. Smith.

Residence of Witness

The witness when completing the Affidavit of Execution must indicate the **Place** and **Province** of their residence, not where they are employed. The purpose of this is for greater certainty of identification and to locate the witness should the need arise.

Place

This must be indicated as an identifiable place within the province. This can be:

- A city, town, hamlet, reserve or village etc.
- A legal and description giving the quarter section, township, range, meridian. Or
- Near such a place.

'In the home of' is not a valid, identifiable place. A Rural Municipality or County is not an identifiable place.

Province

The name of the province must also be identifiable. The format of the province name is not important, as long as it is clear which province is meant.

Thus, SK, Sask., and Saskatchewan are equally acceptable, as are BC or British Columbia.

Witness Statements

In this section the witness must state that the person who has executed the transfer authorization:

- 1) Is personally known to the witness or the witness has satisfied themselves that the person who signed the authorization is who they purport to be.
 - eg. 'I personally know _____
 - Or**
 - eg. 'I have satisfied myself that _____
- 2) Is the person named in the Authorization and whose name is subscribed to the Authorization.
- 3) Was in the presence of the witness when the person executed the Authorization.
- 4) Is 18 years of age or more.

Person whose signature was witnessed

The Signator is the person who signed the authorization and whose signature was witnessed by the witness.

The signator's name in the authorization should be identical to the registered owner's name on title or acceptable evidence will need to be provided to explain the discrepancy or the person's authority to execute the authorization on behalf of the registered owner.

The name of the signator should be stated consistently in the Affidavit with how he/she is stated in the authorization, however the name need not be identical. As long as it is apparent that the person named in the Affidavit is the same person named in the Authorization, it will not result in a rejection.

For example if the individual is named in the Authorization as Keith John Kline and the Affidavit of Execution refers to him as Keith Kline or Keith J. Kline, both will be acceptable.

Another example is a shortened version of the name, where the individual is named in the Authorization as Walter Daniel Zammer and the Affidavit of Execution refers to him as Walt Zammer. This is acceptable as it is still apparent that this is the same person.

However, if an individual named on an Authorization as Richard Michael Whyte and the Affidavit of Execution refers to a Dick Whyte, it is not apparent that they are the same person so this would not be acceptable.

Slight variations of the name are acceptable because if it is apparent that it is the same person and the witness is swearing that this is the same person who is named in the Interest Authorization, the risk is very low.

If the Affidavit of Execution refers to them by a completely different first name or last name then it is not apparent that they are the same person and this would not be acceptable.

The Jurat

The Jurat is the section of a document that begins 'Sworn before me.' The jurat is completed by the Official authorized to administer oaths, before whom the Witness swears or affirms the Affidavit Of Execution (ie. lawyer, notary public or commissioner of oaths).



NOTE

An Affidavit may also be sworn or affirmed before those persons set out in section 24 of *The Land Titles Regulations, 2001*.

The first line in the jurat is where the Official indicates the Place and Province where the Affidavit was sworn.

Place

This must be indicated as an identifiable place within the province. This can be:

- A city, town, hamlet, reserve or village.
- A legal land description giving quarter section, township, range and meridian. Or
- Near such a place.

'In the home of' is not a valid, identifiable place. A Rural Municipality or County is not an identifiable place.



NOTE

If an address is included, as long as there is a city/town named, it will not be rejected.

Province

The name of the province must also be identifiable. The format of the province name is not important, as long as it is clear which province is meant.

Thus, SK, Sask., and Saskatchewan are equally acceptable, as are BC or British Columbia.

Date

This refers to the date the Affidavit was sworn.

The customer can choose to display the date in any format they wish but they must indicate, where it is not obvious, which is the month and day.

Here are some samples of date formats that are acceptable:

- 01/25/2004.
- 25/01/2004.
- January 25, 2004.
- 25 January/04.
- January 25/04
- 25 January, 2004.

However, if the date is 11/12/04 the affidavit must indicate (dd/mm/yy) or (day, month year) beside or underneath the date so that the day and month can be distinguished.

These date formats will cause the affidavit to be rejected:

- January/04 – no date given.
- January 25 – no year given.
- 2004 – no date or month given.
- Blank date – no date, month or year given.
- 01/04/2004 – no indication which is month and day.



NOTE

The date cannot be a future date, and it cannot be a date prior to the execution date on the interest Authorization.

Signature of Official

The Jurat must be signed by the Official administering the oath.

The Affidavit may be sworn or affirmed. If it is affirmed, the word "Sworn" in the jurat must be replaced with the word "Affirmed."

Certain rules apply if the Official before whom the Affidavit is sworn is in or out of Saskatchewan and what type of Official they are.

- [Solicitor in Saskatchewan](#)
- [Notary Public for Saskatchewan -- Not a Solicitor](#)
- [Notary Public outside of Saskatchewan, or Solicitor outside of Saskatchewan](#)
- [Commissioner for Oaths in and for Saskatchewan -- Not a Solicitor](#)
- [Commissioner for Oaths without Saskatchewan](#)

Solicitor in Saskatchewan

A solicitor in Saskatchewan is automatically both a Commissioner for Oaths within and without Saskatchewan and a Notary Public. Their appointment does not expire unless suspended, revoked or cease to hold an annual certificate under *The Legal Profession Act, 1990*.

The requirements when an Affidavit is sworn by a Solicitor in Saskatchewan are as follows:

- Status as a Commissioner for Oaths in and for Saskatchewan and/or Notary Public being a Solicitor must be included.
- No seal or expiry date is required
- No need to have one of the references (a Commissioner for Oaths or a Notary Public) deleted as long as their status as a Notary Public or Commissioner for Oaths being a Solicitor is somehow indicated. For example ✓ Being a Solicitor ✓
- Alternatively, one of the other (Notary Public or Commissioner For Oaths) may be shown as long as their status as a Solicitor is shown
- If one of the references is deleted, this deletion does not require initials authorizing the change to the Affidavit.
- A Stamp that contains the required information may be affixed as an alternative to any indications or deletions in the Jurat.

Notary Public in Saskatchewan – Not a Solicitor

An affidavit sworn by an individual that is a Notary Public but is not a Solicitor in Saskatchewan requires the following:

- Status as a Notary Public must be indicated by:
 - Crossing out other choices (for example: ~~Commissioner for Oaths~~) (Note: This does not need to be initialed.)
 - Placing a checkmark over Notary Public.
 - Having a seal or stamp that indicates their authority as a Notary Public.
 - No special form of stamp is required.
 - Nothing needs to be crossed out.
- Expiry date of appointment must be indicated
- A seal is not required

Notary Public out of Saskatchewan, or Lawyer outside of Saskatchewan

The requirement where an Affidavit is sworn by a Notary Public out of Saskatchewan is the same if the person is a solicitor or not. They are as follows:

- Seal must be present which indicates
 - The person’s name and status as a Notary Public.
 - The seal does not need to be round or entirely closed,
 - A stamp can replace the seal.



NOTE

The Land Titles Regulations, 2001 requires an affidavit sworn before a Notary out of Saskatchewan to be under official seal.

Colleen L. Smith Barrister and Solicitor 345 – 555 Elm Drive Victoria, B.C. A1B 2C3		this would be rejected as it is an address stamp not a Notarial stamp
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Colleen L. Smith Notary Public British Columbia		is acceptable
---	---	---------------

Jane Klassen Barrister & Solicitor, Notary		is acceptable
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Ann Smith a Notary Public for the County of Perth, authorized to take Affidavits and Attest documents for the Bank Of Nova Scotia		is acceptable (these are approved by Ontario’s Attorney General)
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- No expiry date is needed for a Notary from outside Saskatchewan, but it can be included.
- The stamp or seal affixed will contain an indication of their capacity, therefore, if the jurat contains both Commissioner of Oaths and Notary Public the inapplicable reference does not need to be crossed out.
If it is crossed out, that is acceptable, and it does not need to be initialed.

Notarial Seal not Visible

The seal must be visible and be legible. This problem often arises with the use of an embossed seal. There are two options for when this occurs:

1. Render the embossed seal visible on the Affidavit (such as rubbing carbon paper or a pencil over it).



NOTE

Rendering the seal visible does not consistently make it visible and legible when our system converts it to an electronic image. To avoid a possible rejection it is recommended to submit a Certificate.

Or

2. If the seal is not visible or legible, a **Certificate of Lawyer** or **Certificate of Notary Public** verifying that the Affidavit was executed with the seal affixed, is required.

This Certificate cannot be provided by the same Notary or Solicitor whose stamp is not visible. It must be provided by another Notary or Lawyer.

Certificate of Lawyer

When a Certificate of Lawyer is provided, the lawyer is certifying that they have examined the authorization and that the notarial seal was affixed.

The lawyer must identify their name and indicate on the certificate that he/she is a lawyer. The lawyer can be from any province, it does not need to be a Saskatchewan lawyer.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the Affidavit.

A Certificate of Lawyer certifying that the seal was affixed to the authorization does not need a seal or stamp regardless of whether they are a lawyer from Saskatchewan or any other province, as long as the certificate indicates they are a lawyer and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

Certificate of Notary Public

When a Certificate of Notary Public is provided, the Notary is certifying that they have examined the authorization and that the notarial seal was affixed.

The Certificate must be completed by a Notary Public, not by a Commissioner for Oaths, regardless of whether it is completed in or out of Saskatchewan.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the authorization.

A Certificate of Notary certifying that the seal was affixed to the authorization does not need a seal or stamp regardless of whether they are a notary from Saskatchewan or any other province, as long as the certificate indicates they are a notary and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

A Certificate completed by a **Notary in Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- Expiry date of their appointment must be indicated
- A Seal is not required

A Certificate completed by a **Notary Public out of Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- An expiry date is not required.
- Because Notary Public appointments are granted by province, we cannot police expiry date requirements for appointments outside of Saskatchewan. As such, if no expiry date is included, we assume it does not expire.
- A Seal is not required.

Commissioner for Oaths in and for Saskatchewan – Not a Solicitor

An affidavit sworn by an individual that is a Commissioner for Oaths but is not a Solicitor in Saskatchewan requires the following:

- Status as a Commissioner for Oaths must be indicated by:
 - Crossing out other choices (for example: ~~Notary Public~~) (Note: This does not need to be initialed.)
 - Or placing a checkmark over Commissioner of Oaths.
 - A seal or stamp that indicates their authority to take oaths may be affixed as an alternative, in which case nothing needs to be crossed out.
 - No special form of stamp is required.
- Expiry date of commission must be indicated
- A seal is not required

Commissioner for Oaths Without Saskatchewan

A person may apply to the Minister of Justice (Saskatchewan) to be appointed as a Commissioner for Oaths outside of Saskatchewan. Such an appointment allows the person to administer oaths and take affidavits outside of Saskatchewan for use in Saskatchewan. Persons so appointed are called “A Commissioner for Oaths without Saskatchewan”.

The requirements where an Affidavit is sworn by a Commissioner for Oaths without Saskatchewan is as follows:

- Status as a “Commissioner for Oaths without Saskatchewan” must be indicated.
- A seal is not required
- The expiry date must be referenced

- The inapplicable references must be crossed out, such as Notary Public, unless it is clear what their status is without such deletions. This alteration does not need to be initialed.
- A stamp that contains the required information may be affixed as an alternative. In this situation, the inapplicable reference need not be deleted.

Sample Certificates

Certificate of Lawyer

I, _____, a lawyer in and for the
Province of _____ certify that the annexed
_____ (describe document ie. Interest Authorization,
Transfer Authorization) dated the _____ day of _____,
20_____ has the Corporate/Notarial (indicate one) seal affixed.

Dated at _____ in the Province of _____ this
_____ day of _____, 20_____.

Signature of Lawyer

Certificate of Notary

I, _____, a Notary in the Province of _____ certify that the annexed _____ (describe document ie. Interest Authorization, Transfer Authorization) dated the _____ day of _____, 20_____ has the Corporate/Notarial (indicate one) seal affixed.

Dated at _____ in the Province of _____ this _____ day of _____, 20_____.

A NOTARY PUBLIC for
The Province of _____
My appointment expires: _____